



DFW

Docket No.: 5288-0102PUS1
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Peter TUNGUY-DESMARAIS

Application No.: 10/562,639

Confirmation No.: 8755

Filed: May 16, 2006

Art Unit: 1616

For: COMPOSITION AND METHOD FOR THE
TREATMENT OF WATER RELATED EAR
DISORDERS

Examiner: J. D. Pak

LETTER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

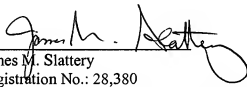
Pursuant to the Notification of Acceptance mailed October 3, 2006 in connection with the above-identified application, enclosed herewith are copies of the three (3) prior art documents that were cited in the International Search Report and listed on the attached Form PTO-SB08 which was filed with the Information Disclosure Statement on December 19, 2005.

The PTO is requested to make these documents of record in the file of the present application and to return the enclosed initialed Form PTO-SB08 to the undersigned.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Dated: May 10, 2007

Respectfully submitted,

By 
James M. Slattery
Registration No.: 28,380
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant

Attachments: Documents cited in Search Report (3)
PTO Form SB08 (copy from previously filed IDS)



PTO/SB/08a/b (07-05)

Approved for use through 07/31/2008. OMB 0851-0031
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/B/PTO			Complete if Known		
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)			Application Number	NEW 10/562,639	
			Filing Date	December 29, 2005	
			First Named Inventor	Peter TUNGUY-DESMARAIS	
			Art Unit	N/A 1616	
			Examiner Name	Not Yet Assigned Luke Karpinski	
Sheet	1	of	1	Attorney Docket Number	5288-0102PUS1

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No.	Document Number Number-Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No.	Foreign Patent Document Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
	BA**	EP-0 576 748-A	01-05-1994			
	BB**	GB-965 236-A	07-29-1964			
	BC**	WO-98/29085-A	07-09-1998			

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ** CITE NO.: Those document(s) which are marked with an double asterisk (**) next to the Cite No. are not supplied because they were previously cited by or submitted to the Office in a prior application relied upon in this application for an earlier filing date under 35 U.S.C. 120. ³ Applicant's unique citation designation number (optional). ⁴ See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ⁵ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁶ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁷ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁸ Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No. ¹	include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	CA**	ALTMAN P M: Australian Journal of Biotechnology, vol. 3, no. 4, October 1989, pages 247-248	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ** CITE NO.: Those document(s) which are marked with an double asterisk (**) next to the Cite No. are not supplied because they were previously cited by or submitted to the Office in a prior application relied upon in this application for an earlier filing date under 35 U.S.C. 120.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature	/Luke Karpinski/	Date Considered	05/29/2008
--------------------	------------------	-----------------	------------

Birch, Stewart, Kolasch & Birch, LLP

JMS/smt

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /L.K./